

Whitefish Advisory Committee DRAFT ISSUES, GOALS AND POLICIES

Note: a new sentence on wildfire issues has been added under Goal #2, Land Use, Policy #6.

RECREATION AND OPEN SPACE

THE ISSUE: State trust lands in the vicinity of Whitefish are used for both authorized and unauthorized recreational purposes. Recreational uses include mountain biking, hiking, hunting and fishing, wildlife viewing, horse-back riding, rifle shooting, cross country skiing, snow shoeing, and water related activities. Authorized recreational uses are those activities that are permitted by licenses and permits. Non-permitted recreational uses including the unauthorized creation of trails and roads have resulted in a variety of negative impacts including soil erosion, vandalism and litter.

Local residents have expressed their desire that the trust lands in the vicinity of Whitefish continue to be available to the public for recreational access and that the planning process should recognize their value as open space. As development pressures have increased county-wide, private lands adjacent to state trust lands have been developed for private residences and fewer areas are available for recreational purposes. Private developments that abut state land sometimes have restricted access and in some cases, private parties have obtained easements on state land to restrict access to private homes. In other cases, private lands that were once used informally for recreation are off limits. Of foremost concern to many in the Whitefish area is how to achieve a balance on the use of these lands in a manner that would achieve community recreational objectives without limiting the financial objectives of the trust beneficiaries.

Goal #1 Recreation and Open Space

To provide for public enjoyment opportunities on trust lands

Policies Associated with Goal #1

- 1) Community members, agency representatives and non-profit organizations will work together to identify innovative and feasible ways in which lands may be managed for their recreational and conservation values.
- 2) Recreational opportunities for the public should be provided while achieving revenue objectives for the trust.

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- 3) Public access and open space should be provided for in all land use proposals.
- 4) The scale and type of non-residential uses should be analyzed for compatibility with public use and recreation.
- 5) Contiguous open space should be maximized, and land use proposals should be based on a land use density allowance versus a minimum lot size calculation in order to encourage cluster development and minimize sprawl.
- 6) Recreational uses and open space should be actively managed to protect the natural resources and public health and safety.

LAND USE AND DEVELOPMENT GUIDELINES

THE ISSUE: The mission of the Trust Land Management Division of the Montana Department of Natural Resources and Conservation (DNRC) is to manage the State of Montana's trust lands to produce revenues for the trust beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land. The purpose of the Whitefish Area Plan is to provide a basis for the DNRC to determine land use opportunities on school trust lands in the general vicinity of Whitefish, Montana and to link that information and policy direction to local planning documents. This plan provides a framework within which land use proposals may be reviewed and evaluated. It also provides an opportunity for the local community to become informed of and involved in the planning process and, in turn, for DNRC to establish its role as a stakeholder in local land use planning decisions.

In the course of this planning effort, members of the community have urged the DNRC to evaluate development proposals with respect to their impacts on local infrastructure and city services, water quality, the viewshed, wildlife and wildlife habitat, and the local recreational culture. The lands in the planning area are currently managed for their timber resources and timber management will continue to play a significant role in the future of trust land management in the area.

DNRC is subject to the provisions of the Montana Environmental Policy Act (MEPA) and projects must be evaluated according to MEPA guidelines. To a great extent, compliance under MEPA can be achieved through adherence to local land use policies and regulations.

Goal #2 Land Use

To establish a framework for evaluating land use proposals on School Trust Lands with respect to :

- » **Local social, economic and cultural values and concerns**
- » **Local land use policies and regulations**
- » **The Montana Environmental Policy Act**

Policies Associated with Goal #2

1. Land use proposals should comply with the local land use regulatory processes.
2. The scale, type, and location of new development should reflect the adequacy of available infrastructure.
3. Land Use proposals should consider relationships to adjoining land uses and growth patterns in the surrounding community.
4. Incentives should be provided to encourage protection of lands that may be environmentally sensitive, including those that are too steep, are in a flood plain or wetlands, and/or are critical to wildlife.
5. Project proposals should incorporate design standards to protect the watershed and other essential components of the environment.
6. Land use proposals should mitigate potential hazards to improvements from wildfire occurrences through acceptable timber management practices and other design and location considerations.
7. Land use proposals whose goal is to minimize wildfire hazards to off-site development and resources through forest management practices should be encouraged.
8. The level of analysis of each proposed land use and associated public review and involvement should be equal to or greater than what would occur during a MEPA analysis.
9. Opportunities should be provided for continued forest management practices as either a primary use or in association with other land uses.
10. Management strategies for all trust lands should consider a range of community values such as forest health, fire management and recreation.

THE GENERATION OF REVENUE

THE ISSUE: Under 77-1-601, MCA. The Montana DNRC is charged with managing the state's school trust lands in a manner that derives revenue for the support of the common schools, the university system, and other state institutions. The school trusts are managed to provide financial support for each specific, named beneficiary.

The practice of providing grants of land for the support of educational institutions has a long history. The Federal General Land Ordinance of 1785 reserved sections in each

township “for the maintenance of public schools within the said township.” As each new state was added to the Union, the federal government made land grants for the support of schools and other beneficiaries. Since 1802, when Ohio joined, every new state has benefited from that policy. The land grant system has not been static. As new states were added, the size of the grants to the schools was increased and grants to universities and other institutions were added.¹

In Montana, the DNRC manages 5.2 million surface acres for specific beneficiaries. Under 77-1-901, MCA, and pursuant to Article X of the Montana constitution, the Montana Legislature has declared that it is the policy of the state that state trust land is to be treated as a sacred trust and is subject to fiduciary principles in its management. It is the intent of the legislature that state trust land be managed in the best financial interest of current and future individual beneficiaries for whom this land is managed and held. In the area addressed under the Whitefish Area Trust Land Plan, the beneficiaries include Montana State University, Eastern and Western State Universities, Montana Tech of the University of Montana, the Public Building Fund, the State School for the Deaf and Blind and the common schools, K-12th grade.

Goal #3 Revenue

To provide for the management of state school trust lands to produce revenues for the beneficiaries of the trust.

Policies Associated with Goal #3

1. Good land stewardship practices should be encouraged in order to assure that economic benefit may be derived from the land over the long term.
2. Short term revenue should be generated while protecting the long term value of the trust lands.
3. Revenue considerations should take in to account both short and long-term uses for the land.
4. Traditional historic uses as a source of revenue should be encouraged.
5. Innovative strategies for generating new income opportunities to the trust beneficiaries should be identified while considering community values.

¹ *The Federally Granted Trusts: What Makes Them Unique*, Western States Land Commissioners Association, January 5th, 1999. <http://www.wslaca.org>
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